

FILED ELECTRONICALLY

PATENT APPLICATION

Docket No: 15892.9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	William Richard Cross et al.)
)
Serial No.:	10/522,371) Art Unit
) 1657
Filed:	January 25, 2005)
)
Confirmation No.:	1386)
)
For:	BIOMIMETIC UROTHELIUM)
)
Examiner:	Laura J. Schuberg)

PETITION UNDER C.F.R. § 1.137(b) TO REVIVE AN
UNINTENTIONALLY ABANDONED APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.137(b), applicant hereby petitions to revive United States Patent Application Serial No. 10/522,371, which became unintentionally abandoned. Applicant is entitled to small entity status, therefore, filed herewith is Electronic Fee Transmittal for the amount of \$770.00 as set forth in 37 C.F.R. § 1.17(m) for filing this Petition under 37 C.F.R. § 1.137(b) to revive an unintentionally abandoned application. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in regard to this matter to Deposit Account No. 23-3178.

Statement of Unintentional Abandonment

The above-identified patent application became abandoned unintentionally. The entire delay in filing the required reply (e.g., Request for Continued Examination (RCE)) from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b)(3) was unintentional.

A Final Office Action was mailed on September 20, 2007 having a shortened statutory period for reply of three months to December 20, 2007, and which could be extended under 37 C.F.R. § 1.136(a) for an additional three months (e.g., six months from the mailing of the Final Office Action) to March 20, 2008. A response to the Final Office Action was filed March 14, 2008 with a petition for three months extension of time to March 20, 2008. However, a Request for Continued Examination (RCE) was inadvertently not filed in with the response to the Final Office Action. Therefore, the present petition to revive United States Patent Application Serial No. 10/522,371 is being filed along with the RCE. In view of the foregoing, applicant respectfully requests that this Petition to Revive an Unintentionally Abandoned Application be granted.

The Required Reply and Fees

As required under C.F.R. § 1.137(b), the present petition to revive is accompanied by the following:

1. The filing of an RCE for United States Patent Application Serial No. 10/522,371 and associated fees for filing an RCE, said RCE being a proper reply under 37 C.F.R. § 1.137(c) ; and
2. The fee for this petition to revive as set forth in 37 C.F.R. § 1.117(m);

3. The statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b)(3) was unintentional is provided above.
4. A terminal disclaimer is not required.

In view of the foregoing, applicant respectfully requests that this Petition to Revive an Unintentionally Abandoned Application be granted.

Dated this 1st day of April, 2008.

Respectfully submitted,

/Jonathan M. Benns, Reg.# 53983/

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